ORIGIN/ACTION: L-3

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DEPARTMENT OF STATE

AIRGRAM

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A-294 NO.

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SECURITY CLASSIFICATION AND HANDLING INDICATOR

TO : Department of State

INFO : AmEmbassy Moscow

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DEPARTMENT OF STATE
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ANALYSIS BRANCH

FROM : U.S. Mission, Geneva

DATE : May 6, 1972

SUBJECT : Outer Space Legal: Treaty on the Moon and Other Celestial Bodies

REF :

Enclosed is the text of the draft Treaty on the Moon (and Other Celestial Bodies) as approved by the UN Outer Space Legal Subcommittee at the end of its current session. Parentheses indicate provisions not agreed. This text will be included in the Legal Subcommittee's report to the parent Outer Space Committee and will be considered at the OSC session 5-15 September in New York.

Enclosure: As stated.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY [signature] DATE 2/1/96

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Contents and Classification Approved by: Herbert Reis

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Eur A 294 Geneva

PUOS/C.2/WG(XI)/15/Rev.1
3 May 1972
Original: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

Legal Sub-Committee
Agenda item 3

Text formulated by the Working Group

The States Parties to this Treaty,

Noting the achievements of States in the exploration and use of the Moon [and other celestial bodies],*/

Recognizing that the Moon, as a natural satellite of the Earth, has an important role to play in the exploration of outer space,

Determined to promote on the basis of equality the further development of co-operation among States in the exploration and use of the Moon [and other celestial bodies],

Desiring to prevent the Moon [and other celestial bodies] from becoming an area of international conflict,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, and the Convention on International Liability for damage caused by space objects,

Taking into account the need to define and develop the provisions of these international instruments in relation to the Moon [and other celestial bodies] having regard to further progress in the exploration and use of outer space,

Have agreed on the following:

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*/ A suggestion was made that, with a view to deleting references to "other celestial bodies", the Treaty might contain a provision along the following lines:

> The provisions of this Treaty shall apply to celestial bodies in addition to the Moon until such time as provision is made by other treaties in relation to specific celestial bodies. To the extent that provision is so made, this Treaty shall then cease to apply to those bodies.

Article I

1. [As employed in this Treaty:

(i) The term "celestial body" includes all natural celestial bodies other than the Earth.

(ii) The phrase "the Moon and other celestial bodies" includes orbits around or other trajectories to or around celestial bodies.]

2. This Treaty does not apply to extra-terrestrial materials which reach the surface of the Earth by natural means.

Article II

1. Activities on [in the exploration and use of] the Moon [and in circumlunar space] [and other celestial bodies] shall be carried out in accordance with international law, including the Charter of the United Nations in the interest of maintaining international peace and security and promoting international co-operation and understanding.

2. In accordance with the Charter of the United Nations, the threat or use of force or any other hostile act or threat of hostile act on the Moon [and other celestial bodies] is prohibited. It is likewise prohibited to use the Moon [or other celestial bodies] in order to commit any such act or to engage in any such threat in relation to the Earth, [the Moon] or other celestial bodies, spacecraft, the personnel of spacecraft or man-made space objects.

Article III

1. The Moon [and other celestial bodies] shall be used by all States Parties exclusively for peaceful purposes.

2. States Parties shall not place in orbit around or other trajectory to or around the Moon [or other celestial bodies] objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the Moon [or other celestial bodies].*/

3. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the Moon [and other celestial bodies] shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the Moon [and other celestial bodies] shall also not be prohibited.

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*/ Certain delegations reserved their position on this paragraph.

Article IV

1. The exploration and use of the Moon [and other celestial bodies] shall be the province of all mankind and [the exploitation of their natural resources] shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. Due regard shall be paid to the interests of present and future generations as well as to the need to promote higher standards of living and conditions of economic and social progress and development in accordance with the Charter of the United Nations.*/

2. States Parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the Moon [and other celestial bodies]. International co-operation in pursuance of this Treaty should be as wide as possible and may take place on a multilateral basis, on a bilateral basis, or through international intergovernmental organizations.

3. States Parties shall inform the Secretary-General as well as the public and international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the Moon [and other celestial bodies]. They shall in any case give information on the time, purposes, locations, orbital parameters, duration and results of each [completed] mission to the Moon [and other celestial bodies], in particular on the scientific results arising out of such missions. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30 days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.**/

4. If a State Party becomes aware that another State Party plans to operate simultaneously in the same area of or in the same orbit around or trajectory to or around the Moon or other celestial body, it shall promptly inform the other State of the timing of and plans for its own operations.

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*/ The eventual placement of this paragraph will be decided later.

**/ Certain delegations reserved their position with respect to the question of advance notification of missions to celestial bodies.

Article V

1. There shall be freedom of scientific investigation on the Moon [and other celestial bodies] by all States Parties without discrimination of any kind, on the basis of equality and in accordance with international law.

2. In carrying out scientific investigations in furtherance of the provisions of this Treaty the States Parties shall have the right to collect on and remove from the Moon [and other celestial bodies] samples of its [their] mineral and other substances. Such samples shall remain at the disposal of those States Parties which caused them to be collected and may be used by them for scientific purposes. States Parties shall have regard to the desirability of making a portion of such samples available to other interested States Parties and the international scientific community for scientific investigation. States Parties may in the course of scientific investigations also use mineral and other substances of the Moon [and other celestial bodies] in quantities appropriate for the support of their missions.

3. States Parties agree on the desirability of exchanging scientific and other personnel on expeditions to or installations on the Moon [or other celestial bodies] to the greatest extent feasible and practicable.

Article VI

1. In exploring and using the Moon [and circumlunar space] [and other celestial bodies], States Parties shall take measures to prevent the disruption of the existing balance of [its] [their] environment[s] whether by introducing adverse changes in such environment[s], [its] [their] harmful contamination through the introduction of extra-environmental matter or otherwise. States Parties shall also take measures to prevent harmfully affecting the environment of the Earth through the introduction of extra-terrestrial matter or otherwise.

2. [States Parties planning missions to the Moon [and other celestial bodies] shall notify the Secretary-General of measures being adopted to minimize the disruption of the existing balance of the environment[s] of [those bodies]. Such reports shall include the trajectories to be flown, the distance of closest approach, and specific measures taken to control micro-organisms on and in the spacecraft].

3. [States Parties shall notify the Secretary-General of plans to place radioactive material on or in orbit or other trajectory around the Moon [or other celestial bodies] and shall give similar notification with regard to the conditions and effects of such placement when it occurs].

4. States Parties shall report to other States Parties and to the Secretary-General concerning areas of the Moon [and other celestial bodies] having special scientific interest in order that consideration may be given to their designation as international scientific preserves for which special protective arrangements are to be agreed, without prejudice to the rights of other States Parties to this Treaty.

Article VII

1. States Parties may pursue their activities in the exploration and use of the Moon [and other celestial bodies] anywhere on or below its [their] surface, [and in circumlunar space], subject to the other provisions of this Treaty.

2. For these purposes States Parties may, in particular:

(a) land their space objects on the Moon [and other celestial bodies], and launch them from the Moon [such bodies], [and place them in circumlunar orbit];

(b) place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the Moon [and other celestial bodies] [and in circumlunar space];

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the Moon [and other celestial bodies] [and in circumlunar space].

3. Activities of States Parties in accordance with paragraphs 1 and 2 of this Article shall not interfere with the activities of other States Parties on the Moon [and other celestial bodies]. Where such interference may occur, the States Parties concerned shall undertake consultations in accordance with Article XVI.

Article VIII

1. States Parties may establish manned and unmanned stations on the Moon [and other celestial bodies]. A State Party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the location and purposes of that station. Subsequently at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.

2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the Moon of personnel, vehicles and equipment of other States Parties conducting activities on the Moon [and other celestial bodies] in accordance with the provisions of this Treaty or of Article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article IX

1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the Moon [and other celestial bodies]. For this purpose they shall regard any person on the Moon [or other celestial body] as an astronaut within the meaning of the Article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

2. States Parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the Moon [or other celestial bodies].

3. States Parties shall inform the Secretary-General, as well as the public and the international scientific community, of any phenomena they discover in outer space, including the moon and other celestial bodies, which could endanger human life or health, as well as any indication of organic life.

Article X*

1. [The natural resources of the Moon [and other celestial bodies] shall be the common heritage of all mankind.]

2. Neither States, international intergovernmental or non-governmental organizations, national organizations having the status of juridical persons or not, nor natural persons, may claim the surface or subsurface of the Moon [or other celestial bodies] as their property. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the Moon [or other celestial bodies] including structures connected with its [their] surface or subsurface, shall not create a right of ownership over parts of the surface or subsurface of the Moon [or other celestial bodies].

3. [Parts of the surface or subsurface of the Moon [or other celestial bodies] may not be the object of grant, exchange, transfer, sale or purchase, lease, hire, gift or any other arrangement or transactions with or without compensation between States, international intergovernmental and non-governmental organizations or national organizations having the status of juridical persons or not, or of arrangements or transactions between natural persons.]

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* This text may be supplemented later.

4. [The States Parties to this Treaty, bearing in mind the need for economic advancement and for the encouragement of investment and efficient development if utilization of the resources of the Moon and other celestial bodies becomes a reality, recognize the importance of concluding agreements in this area. To this end, the Depositary Governments shall promptly convene a meeting of all States Parties with a view to negotiating arrangements for the international sharing of the benefits of such utilization when one-third of the States Parties inform the Depositary Governments that they consider that practical utilization of the resources of the Moon or other celestial bodies is likely to begin within two years following or has already begun.]

Article XI

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the Moon [and other celestial bodies]. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the Moon [or other celestial bodies].*

2. Vehicles, installations and equipment or their component parts found in places other than their intended location shall be dealt with in accordance with Article V of the Agreement on Assistance to Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the Moon [or in circumlunar space] [or other celestial bodies]. Prompt notification of such use shall be made to the Secretary-General or State Party concerned..

Article XII

A State Party which learns of the crash landing, forced landing or other unintended landing on the Moon [or other celestial body] of a space object, or its component parts, that were not launched by it, shall promptly inform the launching State Party and the Secretary-General of the United Nations.

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* Certain delegations reserved its position on the reference to property, with regard to facilities, stations and installations.

Article XIII

1. States Parties to this Treaty shall bear international responsibility for national activities on the Moon [and other celestial bodies] whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the Moon [and other celestial bodies] only under the authority and continuing supervision of the appropriate State Party.

2. [In addition to the provisions of article VII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, a State Party shall be liable for damage resulting from its act or omission or from an act or omission of its personnel on the Moon to the property or personnel of other States Parties on the Moon, unless it is established that the damage occurred through no fault of the said State or of its personnel on the Moon.]

Article XIV

With the exception of Articles XVIII to XXI, references in this Treaty to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Treaty and if a majority of the States members of the organization are States Parties to this Treaty and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. States members of any such organization which are States Parties to this Treaty shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the foregoing.

Article XV

In the event of any difference arising between States Parties with regard to the interpretation [or application] of the provisions of this Treaty, reference shall be made where appropriate to the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space, and the Convention on International Liability for Damage caused by Space Objects.*

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* The delegation of Australia reserved its position on this Article.

Article XVI

1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the Moon [and other celestial bodies] are compatible with the provisions of this Treaty. To this end, all space vehicles, equipment, facilities, stations and installations on the Moon [and other celestial bodies] shall be open to other States Parties. Such States Parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. In pursuance of this Article, any State Party may use it own means, or may act with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.

2. A State Party which has reason to believe that another State Party is not fulfilling the obligations incumbent upon it pursuant to this Treaty or that another State Party is interfering with the rights which the former State has under this Treaty may request consultations with that Party. A State Party receiving such a request shall enter into such consultations without delay. Any other State Party which requests to do so shall be entitled to take part in the consultations. Each State Party participating in such consultations shall seek a mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States Parties. The Secretary-General shall be informed of the results of the consultations and transmit the information received to all States Parties concerned.

3. If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all the States Parties, the parties concerned shall take all measures to settle the dispute by other peaceful means of their choice and appropriate to the circumstances and the nature of the dispute. If difficulties arise in connexion with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General without seeking the consent of any other States Party concerned, in order to resolve the controversy. A State Party which does not maintain diplomatic relations with another State Party concerned shall participate in such consultations, at its choice, either itself or through another State Party or the Secretary-General, as intermediary.

Article XVII

At any time after this Treaty has been in force for five years, at the request of one third of the States Parties to the Treaty and with the concurrence of the majority of the States Parties a conference of the States Parties shall be convened to review this Treaty.

Article XVIII

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of ...., which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XIX

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

Article XX

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXI

This Treaty, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in ..., at the cities of ..., the ... day of ... one thousand nine hundred and seventy-....